

Memorandum

To : Mr. Richard A. Wilson, Director
California Department of Forestry and Fire Protection
1416 Ninth Street, 15th Floor
Sacramento, CA 95814

Date : February 27, 1999

From : Department of Fish and Game

Subject : SYP No. 96-002 Determination

Dear Director Wilson:

The Department of Fish and Game (Department) has reviewed your letter of February 25, 1999 approving SYP No. 96-002. In that letter, you determined that Alternative 25a is the only alternative consistent with the interim mitigations required by the federal Habitat Conservation Plan (HCP).

With respect to these determinations, the Department offers the following observations, some of which the Department of Forestry and Fire Protection (CDF) may not have been aware. First, the HCP was a collaborative effort between the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the Department and was developed for both federal and state Endangered Species Act purposes. Thus, the measures within the HCP, including the range of HCP management approaches provided through adaptive management processes, represent those which the Department believes meet the requirements of the California Endangered Species Act. Second, the Department expects that the watershed analysis process will over time result in modifications to the interim prescriptions which will meet the management objectives of the HCP Aquatics Conservation Plan and provide more flexibility in silvicultural prescriptions for the Pacific Lumber Company, Scotia Pacific Company LLC, and Salmon Creek Corporation (collectively, PALCO). Additionally, the adaptive management process provided by the HCP provides further flexibility consistent with the management objectives of the plan. In the Department's best professional judgment, Alternative 25a does not allow for the flexibility that these processes provide.

The Department understands that CDF may have a concern that approval of any alternative other than Alternative 25a could potentially be misconstrued as an override on HCP measures. The Department's view is that the HCP measures will appropriately constrain available harvest under any approved SYP alternative.

With respect to adaptive management along Class III watercourses, the Department notes that forested buffers were included primarily for the following functions:

- stabilize the channel and impede the development and progress of debris torrents;
- provide potential for recruitment of woody debris to Class I and II waters during high flows;
- provide woody debris to downstream waters when debris torrents occur despite implementation of other management practices;
- provide continuous recruitment of woody debris to the forest floor and channel to filter and meter sediment delivery to the Class I and II waters; and
- provide forest connectivity and late seral habitat elements in upslope areas.

Alternative 25a assumes the interim 0-30' no-harvest prescription along either side of Class III waters for the entirety of the first decade of the SYP, unless amended. However, this assumption does not accurately reflect the HCP. First, the HCP provides exceptions to no harvest prior to watershed analysis. Within the first five years prior to watershed analysis, the HCP allows commercial thinning in 2,175 acres of mid to late seral habitat within these buffers (See HCP Section 6.3.4.1.4.) In addition, the Department expects that as late seral forest develops in these Class III buffers, the functions described above will be provided. Through watershed analysis and other more specific studies called for under the HCP, the Department along with other parties including CDF will be able to evaluate the effectiveness of various harvest prescriptions on sediment filtering, bank stability and wood recruitment. In this effort, we will be able to examine the relative contributions of sediment from mass wasting locations and Class III waters. We expect that this will result in silvicultural opportunities where Class III buffers are in late seral condition and the identified functions can be achieved. In this context, the assumption used in Alternative 25a is more conservative and less flexible than the HCP.

The principal difference in long-term sustained yield (LTSY) between Alternatives 25 and 25a arises from assumptions regarding the outcome of watershed analysis for harvest in areas identified as prone to landslides through a coarse analysis. Alternative 25a establishes a relatively low LTSY by assuming there will be no harvest in the areas identified as prone to landslides in the coarse analysis.

The analysis was coarse because it was based on interpretations of maps and aerial photos that were not field verified. Therefore, the HCP provides for an evaluation of risks from landslides as follows:

- The wildlife agencies and PALCO will jointly establish a mass-wasting scientific review panel to evaluate the definitions of areas prone to landslides. This will more precisely define which sites pose the greatest risk.
- The acreage, condition and distribution of areas prone to landslides will be refined both through watershed analysis and THP specific inspections.

These procedures will refine the estimates of acreage and definitions of areas prone to landslides based on information verified in the field. In areas which pose less risk of landslides, based upon an analysis of underlying geology, soils, hydrology and consequences to the aquatic environment, some restricted types of un-evenaged harvest and specialized yarding techniques will be allowed under the HCP consistent with HCP objectives. Therefore, Alternative 25 allows for a reasonable range of anticipated outcomes of watershed analysis and adaptive management. Alternative 25a does not provide this potential.

In the FEIR, which CDF certified on February 25, 1999, the proposed action (Alternative 2) was analyzed for its potential impacts. CDF made findings based upon the assessment of the significance of those impacts. The proposed action was based upon an LTSY harvest volume of 1,761,516 mbfn in the first decade (FEIR Appendix Q). That estimate reflects and is consistent with the final HCP. By not approving an SYP alternative which closely approximates the proposed action, CDF's determination essentially selects a new alternative that requires PALCO to go through formal SYP amendment processes to operate within the constraints of the certified FEIR.

Finally, the Department understands that CDF has a responsibility to ensure LTSY and avoid cumulative effects. The Department shares this concern and believes it is addressed, to some extent, by measures within the Forest Practice Rules. More importantly, perhaps, the disturbance index (DI) restrictions contained within the HCP have a high probability of ensuring LTSY and avoiding cumulative effects. The DI establishes an impact threshold which requires changes in management to decrease cumulative impacts below this threshold. For example, under the interim prescriptions clear cutting and other intensive management activities would be prohibited in sub-basins containing salmonid populations where the DI threshold is exceeded.

In conclusion, it is the Department's view that the restrictions required by the selection of Alternative 25a would unduly restrict successful implementation of the HCP. In the Department's best professional judgment, Alternative 25 most accurately reflects the HCP and the FEIR's proposed action. The Department respectfully recommends that CDF reconsider its decision in light of these points. My staff and I are available to discuss this issue at your discretion and earliest convenience.



L. RYAN BRODDRICK
Chief Deputy Director